

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN**

In Re:

12-36019-gmh

Duane and Jennifer Stout,

Debtors.

Chapter 13

OBJECTION TO TRUSTEE'S MOTION TO DISMISS

NOW COME Duane and Jennifer Stout, Debtors in the above confirmed chapter 13 bankruptcy case, in opposition to the Chapter 13 Trustee's motion to dismiss their case, and state as follows.

1. On July 13, 2016, the Office of the Chapter 13 Trustee filed a motion to dismiss the confirmed case on account of failure to make payments and failure to provide 2015 state and federal income tax returns and failure to pay the Trustee one half of any net refunds.
2. The Debtors had submitted virtually all of the necessary payment, and the necessary documents, to the Trustee directly, and it appears that it may have been misdirected or lost. To wit:
 - a. They received a \$238.00 tax refund from the State of Wisconsin, and a \$4,970 tax refund from the United States;
 - b. The Debtors submitted, on June 3, 2016, a cashier's check in the amount of \$670 to the Trustee, which was a regular plan payment, which check number was 9120526146;
 - c. The Debtors submitted, that same day, a cashier's check in the amount of \$2,500 to the Trustee, which was almost one-half of the tax refund, which check number was 9120526145.
 - d. Alongside, the Debtors included their tax documents. True and correct, but redacted, copies of such documentation is attached hereto; a better image of the first page of the federal 1040 is being sought. The information corresponds, in any event.
3. Debtors are undertaking efforts to have the cashier's checks stopped and reissued that they might fulfill their obligations under the plan.

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WHEREFORE the Debtors respectfully request that this Court deny the Trustee's motion to dismiss and set a hearing on this objection, and grant any further relief that this Court deems just and proper.

/s/ David P. Leibowitz
Attorney for the Debtors

August 3, 2016

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Objection has been served, via CM/ECF electronic notification, to chapter 13 Trustee Mary Grossman, The Office of the United States Trustee, and all parties that receive notice electronically, and to:

Duane Stout and Jennifer Stout
7017 93rd Avenue
Kenosha, WI 53142

/s/ David P. Leibowitz
Attorney for the Debtors

August 3, 2016

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